

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN THE MATTER OF:) CHAPTER 7
)
JAY GILBERT) CASE NO. 06-06183
)
) JUDGE SQUIRES
DEBTOR.) HEARING DATE: 2/22/08
	9:30 AM

NOTICE OF MOTION

To: See Service List

PLEASE TAKE NOTICE that on the 22nd day of February, 2008, at the hour of 9:30 A.M., we shall appear before the Honorable John H. Squires, U.S. Bankruptcy judge, in Courtroom 2000 at the DuPage County Courthouse, 505 North County Farm Road, Wheaton, Illinois 60187, or any other judge sitting in his place and stead, and then and there present the Trustee's Motion to Pay Compensation to Counsel, a copy of which is hereby served upon you.

AT WHICH TIME AND PLACE YOU MAY APPEAR AND BE HEARD

David R. Brown
Springer, Brown, Covey, Gaertner & Davis, LLC
400 South County Farm Road
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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that a copy of the above and foregoing was served upon the parties listed by ECF electronic service or by depositing a copy thereof in the United States Mail at Wheaton, Illinois, first class postage prepaid, on or before January 25, 2008.

/s/ David R. Brown /s/

SERVICE LIST

ECF Service:

William T. Neary, Esq.
U.S. Trustee
Suite 3350
227 West Monroe Street
Chicago, IL 60606

Brenda Porter Helms, Esq.
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Chicago, IL 60625

Robert R. Benjamin, Esq.
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IN THE MATTER OF:)	CHAPTER 7
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JAY GILBERT)	CASE NO. 06-06183
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**APPLICATION OF TRUSTEE'S ATTORNEY FOR AWARD
OF FINAL COMPENSATION**

**TO: THE HONORABLE JOHN SQUIRES
U.S. BANKRUPTCY JUDGE**

SPRINGER, BROWN, COVEY, GAERTNER & DAVIS, LLC, duly approved and employed attorneys for Brenda Porter Helms, Trustee herein, hereby submits an application for award of final compensation pursuant to Section 330 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, and in support thereof, would respectfully show the Court as follows:

1. This case is currently pending under Chapter 7 of the Untied States Bankruptcy Code, and Brenda Porter Helms is the duly qualified and acting trustee herein.
2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1334. This is a core proceeding pursuant to 28 U.S.C. §157. Venue is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.
3. This request for relief is predicated on Sections 330(a)(1) and 331 of the Bankruptcy Code.
4. On September 15, 2006, this Court entered an Order approving employment of your Applicant as attorneys for the Trustee.

5. Prior to the date of this Application, Applicant provided certain actual and necessary legal services to the Trustee and to the estate, the general nature of which is hereinafter described, and the details of which are set forth in the itemization attached hereto and made a part hereof.

6 The general nature of the legal services provided herein by Applicant is as follows:

ASSET RECOVERY AND DISPOSITION: Sales, leases (§365 matters), abandonment and related transaction work.

Trustee determined that there were three assets that could be recovered and liquidated for the benefit of creditors – funds in bank accounts, Debtor's interest in a wholly –owned LLC, and Debtor's capital account with the law firm, Kutak Rock LLP, with whom he practiced law.

With respect to the bank accounts, Counsel assisted Trustee by preparing and prosecuting a Motion to Compel turnover of funds. Upon presentation of the order entered pursuant to said motion, US Bankcorp turned over to Trustee funds in excess of \$27,000.

With respect to the Debtor's interest in an LLC, Counsel prepared and prosecuted a Motion to sell such interest back to the Debtor for \$10,000. That sale was approved and consummated, resulting in additional funds to the estate.

With respect to the Debtor's capital account at Kutak Rock, Counsel prepared and prosecuted an Adversary Proceeding as further described below.

For services in connection with these matters, counsel expended 4.30 hours and seeks compensation therefore in the amount of \$1,612.50.

LITIGATION: Helms v. Kutak Rock, LLP. 07 A 00039

This adversary proceeding was brought by Trustee to compel the partnership of which Debtor was a member to turn over to the Trustee Debtor's capital account and any and all distributions made to Debtor post petition on account of Debtor's capital account. Kutak Rock LLP contested Trustee's entitlement to those funds and filed their Answer to that effect. Ultimately the adversary proceeding was resolved by Debtor's agreement to pay to Trustee \$20,000 for her interest in Kutak Rock, LLP, upon which the suit was dismissed.

For services in connection with these matters, counsel expended 13.10 hours and seeks compensation therefore in the amount of \$4,912.50.

PROFESSIONAL FEE\EMPLOYMENT APPLICATIONS: Preparation of employment and fee applications for self or others; motions to establish interim procedures.

Counsel assisted Trustee in preparing and presenting pleadings necessary for the retention of attorneys and accountants. Counsel further prepared this fee application. **Counsel expended 3.40 hours in connection with the foregoing, and seeks compensation therefore in the amount of \$1,275.00.**

7. David R. Brown, whose billing rate throughout this period for such services was \$285 per hour, performed all of the services rendered by Applicant. Time records for such services are maintained on a contemporaneous basis, and are subsequently reviewed to eliminate apparently unproductive or insufficiently documented time charges. Time is recorded on a tenth-of-an-hour basis. Therefore, the charges for which compensation is sought represent actually spent, "hard-core" time devoted to this case.

8. The compensation rates charged by Applicant are comparable to those charged by other practitioners of similar standing, skill and experience in cases of equal complexity. David R. Brown is a 1978 graduate of the University of Chicago Law School, a former associate at Mayer, Brown & Platt, an attorney and former acting Assistant United States Trustee in the Office of the United States Trustee for the Northern District of Illinois, and a twenty-year panel trustee.

9. The services rendered by Applicant were necessary services that have benefited this estate by providing funds to distribute to creditors and enabling the Trustee to perform her statutory duties.

10. Based upon the nature, extent and value of the services performed by Applicant and the cost of comparable services other than in a case under this Title, the reasonable

compensation for such services is \$7,800.00 and Applicant should be awarded compensation in said amount for the legal services rendered by him in this case.

11 At all times while employed as attorney for the Trustee, Applicant was a disinterested person, neither representing nor holding an interest adverse to the interest of this estate with respect to the matters on which Applicant was employed.

WHEREFORE, Applicant prays that after notice and a hearing, it be awarded reasonable interim compensation for legal services rendered in this case.

SPRINGER, BROWN, COVEY, GAERTNER
& DAVIS, LLC

/s/ David R. Brown /s/

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